

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAMON ALLGIRE

Plaintiff,

No. CIV S-04-1680 MCE GGH P

vs.

WARDEN R.A. CASTRO, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed December 2, 2004, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action. By concurrently filed Findings and Recommendations, dismissal is recommended for several defendants.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants: J. W. Rohlfing, O.

Dickinson, R. W. Sandham, S. M. Roche, J. S. Woodford.¹

2. The Clerk of the Court shall send plaintiff five (5) USM-285 forms, one summons, an instruction sheet and a copy of the amended complaint filed January 31, 2005.

3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the following documents to the court:

a. The completed Notice of Submission of Documents;

b. One completed summons;

c. One completed USM-285 form for each defendant listed in number 1 above; and

d. Six (6) copies of the endorsed amended complaint filed January 31, 2005.

4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

DATED: 6/17/05

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

GGH:009
allg1680.1am

¹The claims against defendant Woodford are found cognizable only in her official capacity. See concurrently filed Findings and Recommendations.

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NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

_____/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

1 completed summons form

5 completed USM-285 forms

6 copies of the January 31, 2005
Amended Complaint

DATED:

Plaintiff